

Irish Beach Water District
MINUTES OF THE MEETING
OF THE BOARD OF DIRECTORS
SATURDAY, November 11, 1995

I. OPEN MEETING

- 1. CALL TO ORDER AND ROLL CALL:** President Ron Frame called the meeting of the Board of Directors to order at 9:35 a.m. at the Fire House in Irish Beach (Manchester). Directors Frame, Heinzer and Poling were present. Director Beran was absent and there is one vacancy. Also present was Alan Turner, the District's lawyer. Dorothy Cong, the District's Secretary was not present at the meeting. Several members of the community were in attendance. The meeting adjourned to Executive Session at 9:40am.

Executive Session:

- 1. Conference with legal counsel re: existing litigation per Gov't Code Section 5456.9(a) MCP v. IBWD Mendo Co. Superior Ct. Case No. 71850.** During the Executive Session Mr. Turner explained that MCP's attorney had filed an amended complaint and that there is a hearing scheduled for Friday, December 8, 1995. The Board of Directors directed counsel to proceed.

II. Open Session:

The open session of the Board of Directors was reconvened at 10:07am.

- 2. APPROVAL OF MINUTES:** Director Poling moved to approve the minutes of the regular meeting held on September 9, 1995. Director Heinzer seconded the motion and the minutes were accepted as written.
- 3. APPROVAL OF EXPENDITURES:** Director Heinzer reviewed expenditures for the months of September and October 1995 and explained that there were no large or extraordinary expenses. Director Heinzer moved that the expenditures be approved. Director Poling seconded the motion and expenditures were approved as presented.
- 4. PUBLIC INPUT:** An observer requested a review of the litigation status. Alan Turner, the District's lawyer stated that an amended complaint had been filed and that a hearing was scheduled for December 8, 1995. He further expressed that the Board of Directors had directed him to proceed.

Rex Dunning inquired about what is going to be done about the houses on Pomo Lake Drive and in Unit 7 that are using water without a meter. Roger Aeschilman said he would provide the addresses of said houses. This will be on the agenda of the next meeting.

An observer inquired if a copy of the litigation hearing had been given to anyone to review and Mr. Turner explained that the District did have a set of the material and that Mr. Satuloff had indicated he would take it and index it.

5. REPORTS:

A. Treasurer - Jon Heinzer

1. reported on the status of District Funds detailing the totals of the various accounts. i.e.: the Fire District currently has about \$2,175.00 due to having invested \$33,333.34 with Dean Witter; The Witter investment in total has \$100,031.00. The Mallo Pass investments have about \$228,500.00. The District Checking account contains around \$45,000.00, \$2,175 of which belongs to the Fire District.

B. Water - Charles Acker, Operations Manager, reported on several items. A detail of his report is attached to the meeting minutes as an addendum. Below follows only some highlights.

1. Water consumption for September and October was 158 and 122 GPD respectively per household. This was comparable to past years.
2. John has been measuring water in the lower diversion and it has been averaging about 93 GPM which is very high for this time of year.

3. Charlie stated that Tank 3 and the back of Tank 1 needed to have a new coat of paint and suggested that Ron Bloomquist do it as opposed to hiring an outside contractor, since he is well qualified for that type of work. The Board of Directors told Charlie to go ahead and utilize Ron for this essentially any type of work he saw fit on a part-time basis "at will." Charlie stated also that he would have Ron repair the overflow line in Tank 3 extending it beyond the Wolfe property so it wouldn't run through their property.

4. Charlie had followed up on the fuel spill left by the loggers near the logging road above the upper diversion. Brad Dyson removed all the diesel from the tank, but nothing had been done to clean up the contaminated soil. The County Health Department was notified and they contacted the logging company as well as Mr. Moore's. Charlie was concerned that the contaminated soil should be removed prior to the rainy season because that is when contaminants could potentially run down into the upper diversion site.

C. Safety: Charlie Acker reported

1. The safety committee has been holding regular monthly meetings. All outstanding issues have been cleared with the exception of blood pathogen training.

D. Fire Department - Fire Chief Rex Dunning reported

1. There has not been much activity since the last meeting. He stated that outdoor burning can now be done, but a permit is needed from CDF as well as an air quality permit. Regarding the blood pathogen training, Rex said that it is a little difficult to get the instructor and crew together all at the same time.

6. OLD BUSINESS

A. Kiosks: Director Heinzer reported that David Dell got an extension on the permit to erect the kiosks and promised to have them completed by the end of December.

B. Purchase of IBWD property to access lot or selling of said property (Aeschliman): Roger Aeschliman provided the Board of Directors with a packet of material supporting the request that the Irish Beach Water District sell a strip of its property (referring to the property where the firehouse and water treatment complex are located) northeast of the firehouse. A short break was taken so everyone could go outside and review the site in question.

Roger detailed the proposed conditions of sale in his paper stating he is requesting the District give initial conditional approval based upon final approval to be given to a future buyer. The future buyer will provide driveway design including geology, safety, drainage and use considerations as well as a surveyor's report detailing "metes and bounds." The sale will include restriction that land can only be used for a driveway. This "conditional approval" is to be only for a period of two year starting on January 1, 1996 and ending December 31, 1997. All expenses of the sale, including legal review, would be paid by the buyer. Roger stated that all drawings, plans and reports must meet the approval of the Board and that there is really no risk. He suggested that the purchase price would be \$1,000.00, and that it was a "non-consideration option" that would expire at the end of two years.

Alan Turner stated that this proposed condition talks about reports and designs. It doesn't say they have to be satisfactory to the Board. Further, the property would have to be "valued." The Board has to determine the value of the land is reasonable and suggested that perhaps an appraiser should look at it. The fact that all expenses would be paid by the buyer met with Alan's approval.

Roger stated that he would be glad to provide sales statistics that would support the suggested \$1,000.00 price. The property in question is less than 1/10 of an acre.

Marv Satuloff stressed that the property would be worth more than \$1,000.00 because the owners land isn't worth anything without the District's strip.

Alan Turner said there are no fixed criteria to come up with the value although the estimate appears to be somewhat loose and stressed that the Board should look at value before selling the property. He further stated that the District needs to consider if the property is of any use to it, and if not then the District consider selling it and determine the value.

Marv Satuloff brought up that the District should not even consider selling its property at all. Perhaps at some future date the Fire District may purchase an additional truck and need more parking space. Consideration should be given that the Water District may need to build some additional facility as a result of increasing state requirements or needs, i.e. water filtration plant or ozone treatment as suggested by Charlie Acker.

As discussion was continuing and getting no where, President Ron Frame said it was becoming unfair to Roger to not make a decision and that Roger has complied with all the questions the Board has kept coming up with. Director Poling said the issue boils down to whether or not the land is useable by the District and if not, what is its

value? Roger said he would provide answers to the District's questions to which Marv Satuloff suggested that the answers could not be hearsay, but must be in writing from an expert. President Ron Frame said that there would be no further discussion on this item and it would be tabled until the next meeting and the Board will act upon it.

C. Resolution 95-6 authorizing administration charges to be applied for property owners who have not cleared their lots following first notification: Director Poling explained the revised resolution that provides effective after December 1995, "any property owner who fails to take corrective action to abate a violation of fire prevention standards within 30 days after notice of violation has been issued by the Fire District, shall be charged, in addition to the cost of abatement as provided in Revised Fire Protections Ordinance 89-2, an administrative fee of \$50.00, which charge shall be added to the property owner's water bill at the next billing cycle. It was felt that considering all the administrative costs, i.e. letters, follow-up letters, keeping track, bookkeeping, in addition to Fire District expense, that \$50.00 was a reasonable fee. The Resolution was adopted with Directors Frame, Heinzer and Poling voting in favor. Director Beran was absent and there is one vacancy on the Board.

D. Irish Beach Policy Binder: Director Beran was not present so this item was tabled to a future meeting.

E. Replacement of billing system: Dorothy was absent so there was no report.

F. Long Term Water Development (Acker): Charlie stated that the District needs to look at water usage and availability. He had provided a brief paper highlighting key issues to consider in future water development in Irish Beach (included in packet). Gene Scaramella mentioned that we need the firm number the State requires for gallons per minute for hookups; potential exposure must be considered, i.e. if there is development on Unit 6; and what is availability from the stream? Charlie stated that 1) continue to use the upper diversion area and the Unit 9 Well. Then the District might consider developing the lower diversion site along with putting in a ozone treatment facility perhaps building it on the slope to the northeast of the firehouse providing there is sufficient space. He suggested that once this was accomplished, then the District might consider developing Mallo Pass or even better, a second well site. Charlie stressed that the engineering help which will be provided through the Sanitary Survey will assist us tremendously because it will be an overall look at the system.

Marv Satuloff suggested that even though the District might be able to sustain Irish Beach for quite some time by developing the lower diversion site and a second well, we must not forget that in the lawsuit there were certain agreements about the development of Mallo Pass. It might be appropriate to raise the priority of Mallo Pass.

There was considerable discussion about "reinventing the wheel" with the stress being that a "master plan" has already been developed.

Alan Turner added that even though there is a master plan that was done, from time to time it needs to be updated and the rate structure analyzed, capital reserves looked at and consideration to what reserves are needed for future growth.

It was agreed that we would locate the "master plan" and the letter from the state establishing the 300 GPD as the goal per hookup. The Board agreed we need to establish how many places we are going to be expected to provide water to and then how to get to that point to which Marv Satuloff inserted that this was already established by the lawsuit. The District also needs to consider the Fire District and its requirements in the development/modification of the plan. If there is new construction, CDF requirements are now way beyond what was envisioned a few years ago.

No decisions were made at this point and the subject will be further discussed at the next meeting.

G. Unit #9 Fire Access Road (Acker): Charlie reported that at the last meeting it was agreed that a letter would be written to all the property owners in Units 8 and 9 providing them with the combination to the lock. Charlie stated that Mr. Moores wants the gate to remain locked. Some Directors were concerned about the "panic factor" should there be an emergency. The County's permission for subdivision of Unit 9 apparently required that the access be kept open. This will be researched for the next meeting.

H. Development of New Well Ordinance (Acker): All agreed that it was necessary to have a licensed expert look into this item. Charlie took the responsibility of finding an individual and getting all the parameters of what is needed to develop such an ordinance.

I. Watershed Sanitary Survey (Acker): Charlie Acker had provided the Board of Directors with a couple of estimates from firms interested in doing the Watershed Sanitary Survey. Director Heinzer moved we contact Phillip Williams and Associates, Ltd. to do the survey with the understanding that it is not to exceed \$8,053.25

and when 80% of the work is done, the Board review it. Director Poling seconded the motion and it passed with no further discussion.

J. L.P. Timber Harvest Plan: Charlie Acker met with CDF forester Jim Bacomb and LP foresters Russ Shivley and Joe on site in the proposed harvest area. After having discussed the operation with the men, Charlie was of the opinion that the THP would not significantly reduce the water quality in Irish Beach. They had made a concerted effort to put together a plan that would limit damage to the watershed. More detail is provided in Charlie's memo to the Board of Directors (copy in the meeting package).

K. Conflict of Interest Resolution 95-5 updating IBWD existing resolution to agree with legislative changes (Poling): This resolution had been amended and passed in the prior meeting of the Board of Directors on September 9, 1995. However, it was returned by the County Counsel who found it inadequate and referred us a sample of the resolution drawn up by the Calpella Water District. Director Poling took issue with who the County Counsel was requesting be required to fill out the Conflict of Interest forms. Alan Turner volunteered to look into the issue at no cost to the District for the next meeting since he needs to look into it for another district as well.

L. Participate in IBIC mailings and share costs (Poling): Director Poling stated she had nothing to report at this time.

M. Unit #5 Water System and Supply: Director Poling contacted Frank Lynch in Mendocino County inquiring what he had on file regarding Unit #5 and the water system. Mr. Lynch referred her to Resolution 79-1 where the Board of Directors of Irish Beach accepted the water system for units 5, 7 and 8 with the condition requirement (at whatever delivery system there is be inspected and repaired by the developer. Director Poling did not ask Mr. Lynch to interpret the resolution as to whether or not he was under the impression that we would supply water to Unit 5.

Marv Satuloff stated that it may be that there is an implied obligation to provide water because we accepted the system. In the court settlement of the lawsuit, Mr. Moores agreed to certain things that shows there is not enough water to supply Unit 5.

Alan Turner interjected that this issue is part and parcel to development of the District master plan. He suggested the District notify Mr. Lynch that it may be that the District will not have enough water to supply Unit #5. Given the stipulated agreement among the parties, there is some question about whether water is available in sufficient quantities to serve Unit #5. This District cannot be compelled to provide water it does not have. Should the District start to confront obstacles in providing water, the State of California has to be made aware of it. The State would be the one to declare a moratorium. Alan further mentioned that if the District has been collecting and availability fee, this would imply providing delivery on demand.

Marv Satuloff suggested that it would be fair to both Mr. Lynch and Mr. Moores to apprise them of the potential of not having enough water should he continue with the process of trying to get approval of Unit #5.

Director Heinzer suggested that we also deal with the Department of Real Estate (DRE) when we write the updates to them.

7. NEW BUSINESS:

A. Appointment of Director: Director Poling moved that the Board of Directors appoint Gene Scaramella to fill the fifth seat on the Board for a short term of two years. Director Heinzer seconded the motion and it passed unanimously.

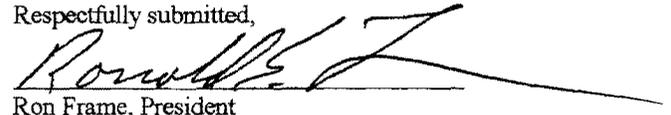
B. Office space (Frame): Director Frame reflected on the meager office space available and suggested that consideration be made to improve our office situation in the future. No decisions were made and the item will remain on the agenda.

C. Change January 13 meeting to either January 6 or January 20: Director Heinzer moved to change the next meeting of the Board of Directors to January 20, 1996 at 1:00pm. Director Poling seconded the motion and it passed unanimously.

D. Painting of water tank #3: Since this item had been previously decided upon, there was no further discussion.

8. ADJOURNMENT: Director Heinzer moved to adjourn the meeting and Director Poling seconded the motion. The motion passed unanimously and the meeting was adjourned at 1:30 PM.

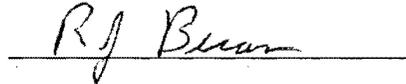
Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Ron Frame", written over a horizontal line.

Ron Frame, President

Prepared by Dorothy Cong

Attest:

A handwritten signature in cursive script, appearing to read "Rudy Beran", written over a horizontal line.

Rudy Beran, Secretary

Irish Beach Water District
MINUTES OF THE MEETING
OF THE BOARD OF DIRECTORS
SATURDAY, January 20, 1996

I. OPEN MEETING

- 1. CALL TO ORDER AND ROLL CALL:** President Ron Frame called the meeting of the Board of Directors to order at 1:00pm at the Fire House in Irish Beach (Manchester). Directors Frame, Beran, Lubeck, Scaramella and Poling were present. Also present was Alan Turner, the District's lawyer and Dorothy Cong, the District's Secretary. Several members of the community were in attendance, i.e.: Mr. and Mrs. Cohn, Janet Dunning, Al and Loretta Thompson, Will Edlebrock, Betty MacKenzie, Marv Satuloff and Dorothy Engle. The meeting adjourned to Executive Session at 1:02pm.

I. Executive Session:

1. Conference with legal counsel re: existing litigation per Gov't Code Section 5456.9(a) MCP v. IBWD Mendo Co. Superior Ct. Case No. 71850. During the Executive Session Mr. Turner explained that MCP's attorney had filed a motion for reconsideration and it was heard. There has been no ruling yet. The Board of Directors directed counsel to proceed as he has been; there was no action taken by the Board. One of the basis for the litigation is that the hook-up fee is an illegal charge. Alan suggested the District commission an engineer that specializes in rates to examine the current rate structure of the District.

2. Employee Salary Review: Per Mr. Turner, this item must be discussed during the regular open session other than employee progress review.

3. IBWD Computer: Per Mr. Turner, this item must be discussed during the regular open session. The executive session was suspended at 1:28pm.

II. Open Session:

The open session of the Board of Directors was reconvened at 1:30pm.

- 2. APPROVAL OF MINUTES:** Director Poling moved to approve the minutes of the regular meeting held on November 11, 1995. Director Scaramella seconded the motion and the minutes were accepted as written.
- 3. APPROVAL OF EXPENDITURES:** Director Scaramella moved that the expenditures for November and December be approved. Director Lubeck seconded the motion and expenditures were approved as presented.
- 4. PUBLIC INPUT:** The first item noted was a thank you to Dorothy for writing such a nice letter regarding the conversion of the billing system. Then the subject of Unit 1 Lot 28 was brought up by Ralph Lubeck. The issue deals with Bill Moores filing to change the zoning of the land from open to 5 acre residential. Al Thompson mentioned that the County Planning Commission recommended denial of the rezoning. It was requested this item be on the agenda at the next meeting. Thirdly, the subject of the court transcript was raised and the Board members reiterated that basically anyone who wishes a copy of the transcript can have one.

5. REPORTS:

A. Treasurer -

1. Dorothy Cong, District Secretary gave a brief overview of the District's financial situation. She also reported that she is currently converting the District's accounting from Quickbooks to ACCPAC, a standard accounting system commonly used by accountants and acceptable to the county auditor.

B. Water - Charles Acker, Operations Manager, reported on several items. A detail of his report is attached to the meeting minutes as an addendum. Below follows only some highlights.

1. Water consumption for November and December was 108 and 97 GPD respectively per household. This was comparable to past years.

2. Operations is getting up to date with the new EPA lead and copper rule. Testing was done which required that samples be taken from 5 homes within Irish Beach. The test results showed no lead and very low copper content. The test will need to be done a second time.

3. There were no problems with the system during the big storm. Some trees had to be cleared that had fallen over the road to the upper diversion site.
4. The high-turbidity alarm did not work and needed repair. It gets activated during our stormy periods.
5. The new pump and generator are out to bid.
6. The Watershed Sanitary Survey has begun with Bob Coats walking the watershed on January 5.

C. Safety: Charlie Acker reported

1. The safety committee has been holding regular monthly meetings as well as the quarterly meeting. The only outstanding issue remains the blood pathogen training.

D. Fire Department - Fire Chief Rex Dunning reported

1. On December 29, 1995 there was a structure fire on Forest View Road at the Count's house. It was caused by someone putting hot ashes in a cardboard box on the deck. Fortunately it was detected before it got out of hand and both Irish Beach and the Arena Fire Departments responded.
2. Pagers have been ordered.
3. The Department held a training exercise. During the course of the exercise it was discovered the big fire truck did not hold water due to a hole in the tank caused by rust. There ensued some discussion about repairing the truck plus securing another truck in the future. Charlie Acker mentioned that Elk had just purchased a used fire truck from Clearlake and there would be another one available over there in a year.
4. CPR training is scheduled in Point Arena on January 24.
5. Blood Pathogen training is scheduled in Elk on February 7 and sometime later in February or March in Irish Beach. This is required training by both OSHA and our insurance carrier, SDRMA

6. OLD BUSINESS

A. Kiosks: Director Ralph Lubeck volunteered to take responsibility for following up on the kiosk construction with David Dell.

B. Purchase of IBWD property to access lot or selling of said property (Aeschliman): Alan Turner advised the District not to liquidate the property unless they absolutely could not use it. Charles Acker, Operations Manager, does not consider the property in question to be surplus. Roger Aeschliman had requested that this item be tabled until the next meeting since he had to leave. Director Gene Scaramella moved that the Board defer until the next meeting to make a definite decision. Director Poling seconded the motion. The vote was 3 Ayes (Directors Poling, Frame and Scaramella) and 2 Nays (Directors Beran and Lubeck) to deferring action until the next meeting.

D. Irish Beach Policy Binder: Director Beran has not yet had the opportunity to work on the binder.

E. Replacement of billing system: Dorothy reported that the new system was live, but she is still parallel processing inputting into the old system as a back up and double verification.

F. Long Term Water Development (Acker): Charlie Acker reported that at the last Board meeting in November, there was discussion about a "Master Plan" having been developed. Charlie and some others searched extensively for a Master Plan and could not find any. There was data about developing one, but none was ever formalized. Documents were found where 500 gallons per day was stated as a requirement at one time. However, due to the nature of the subdivision, this was considered as not a very realistic objective. A former Board member, Doug Blair, had suggested that a more reasonable objective might be 300 GPD which occurs only around holidays when we have our peak usage. A study was to have been done for 5 years and submitted to the Department of Health Services which was to write a letter establishing the amount of water the Irish Beach Water District must provide. This study was completed in 1992, but the letter from the State has never been written. Charlie Acker is currently working with Gene Scaramella and Mark Barton of the Department of Health Services to ensure this document will be forthcoming.

Charlie Acker stressed that the Watershed Sanitary Survey currently in progress will address many, if not most, of the issues involved in developing a Master Plan for the District. Mr. Coats will be working up a hydrological study based upon historical figures. This will aid in determining how much water is available, when more will be needed, when Mallo Pass will need to be developed, recommendations about new development in treatment, etc..

The Board decided that the Development of a new Well Ordinance was also part of Long Term Water Development. Charlie reported that Mr. Coats can provide the District with a well analysis and give us a proposal as to how much it will cost. When the new pump is put in, figures will be supplied to Mr. Coats pertaining to the well, how much we pump, how much it produces, etc. He can also make a determination regarding the "Cone of Influence."

G. Unit #9 Fire Access Road (Acker): Charlie reported he could not locate any document that stipulated the fire access gate must remain open. Director Lubeck suggested that the Water District/Fire District go to the CDF Battalion Chief for a recommendation regarding a private fire access road with a locked gate. The Irish Beach Water District is within the boundaries of CDF. Charlie Acker agreed to pursue this matter with CDF. A member of the audience, Mr. Cohn, suggested that the County Counsel be requested to give the Water District an opinion about the gate.

H. Development of New Well Ordinance (Acker): This item was discussed above under Long Term Water Development and shall remain as part of that agenda item in the future.

I. Watershed Sanitary Survey (Acker): This item was discussed above under Long Term Water Development and shall remain as part of that agenda item in the future.

J. Conflict of Interest Resolution 95-5 updating IBWD existing resolution to agree with legislative changes (Poling): Alan Turner had met with County Counsel and addressed the concerns of the District pertaining to the Conflict of Interest Resolution. Alan's recommendations are to adopt a resolution on the framework of that adopted by Calpella County Water District. Their resolution was well received by the Fair Political Practices Commission. He believes that their resolution can be adapted to conform to Irish Beach Water District, to add in the General Manager and exclude district counsel. Mr. Cohn commented that if district counsel has a continuing relationship with the District then he should also be required to complete a conflict of interest form. Alan Turner said he will address it to the Fair Political Practices Commission. The Board directed Mr. Turner to pursue developing the resolution which he will clear with County Counsel as well as the Fair Political Practices Commission.

K. Participate in IBIC mailings and share costs (Poling): Director Poling stated that IBIC approved of sharing with the Water District in mailings. Loretta Thompson will be in charge of the mailings. Director Scaramella recommended that the IBWD news be separated from the IBIC news since IBWD is a public entity. Dorothy Cong will be responsible for putting together the IBWD news and submitting it to Loretta Thompson for copying and mailing.

L. Unit #5 Water System and Supply: According to reports in the Planning Commission files, the Unit #5 Water System was accepted in the past.

M. Office Space: There is a recognized need for office space. The current office is very small and cannot even contain all the district files which are scattered between the office, the treatment plant and the fire house. Besides, the office is damp which has an adverse affect on the copy machine and the quality of its copies. No decisions were made about expanding office space at this time, but the item will remain on the agenda.

N. Fuel Spill and contaminated soil: Charlie Acker reported that Mendocino County was now involved and that they had taken evidence. The matter has been referred to the District Attorney who assigned it to a deputy specializing in environmental issues. The fuel spill is in the watershed directly above the wells. It is also covered by our zero waste discharge ordinance. Benbow had told the County the spill was cleaned up, and it wasn't. In December the Fish and Game were brought in who discovered an illegal dump as well.

O. Illegal Hook-Ups: Alan Turner suggested that this item not be addressed until the next meeting because of the pending litigation dealing with hook-up fees. The hoses at the illegal hookups have disappeared. The Board directed Alan Turner to review District Resolutions/Ordinances as well as Fire Ordinances and glean out those parts pertaining to hook ups.

7. NEW BUSINESS:

A. Election of Officers: Director Scaramella moved that those Directors currently holding office remain in their position. Director Lubeck seconded the motion and it passed unanimously. Director Poling nominated Director Lubeck as Treasurer. Director Scaramella seconded the motion and it passed unanimously. The officers are as follows: President - Ron Frame, Secretary - Rudy Beran, Treasurer - Ralph Lubeck.

B. Consideration of acceptance of the water line constructed between the Martin intersection and the Martin house to serve the acreage parcels: Alan Turner advised that the District was under no obligation to accept the water line constructed between the Martin intersection and the Martin house to serve the acreage parcels.. Marv Satuloff asked whether it was true the District could not accept anything not constructed by a licensed contractor. The system was apparently built without discussing or working with the District. At issue is whether or not the system meets District standards. The quality of the structure and the risk to the District is of utmost importance. No decisions were made at this time.

The regular open session of the Irish Beach Water District was recessed to executive session at 5:25pm.:

Executive Session: Executive Session was reconvened at 5:25pm for the purpose of a brief employee review and the open session was reconvened at 5:35pm.

8. ADJOURNMENT: The regular meeting of the Irish Beach Water District was adjourned at 5:45pm.

Respectfully submitted,

Ron Frame, President

Prepared by Dorothy Cong

Attest:

Rudy Beran, Secretary

Irish Beach Water District
MINUTES OF THE MEETING
OF THE BOARD OF DIRECTORS
SATURDAY, March 9, 1996

I. **OPEN MEETING**

1. **CALL TO ORDER AND ROLL CALL:** President Ron Frame called the meeting of the Board of Directors to order at 10:05am at the Fire House in Irish Beach (Manchester). Directors Frame, Beran, Lubeck, Scaramella and Poling were present. Also present was Alan Turner, the District's lawyer and Dorothy Cong, the District's Secretary. Several members of the community were in attendance at the open session, Will Edelbrock, Dorothy Engle, Janet Dunning, Gordon and Bill Moores. The meeting adjourned to Executive Session at 10:06am.

I. **Executive Session:**

1. **Conference with legal counsel re: existing litigation per Gov't Code Section 5456.9(a) MCP v. IBWD Mendo Co. Superior Ct. Case No. 71850.** During the Executive Session Mr. Turner explained that MCP's attorney had filed an at issue memoranda and case ready status. The Board of Directors directed counsel to proceed as he has been; there was no action taken by the Board.

II. **Open Session:**

The open session of the Board of Directors was reconvened at 10:30am.

2. **APPROVAL OF MINUTES:** Director Scaramella moved to approve the minutes of the regular meeting held on January 20, 1996. Director Beran seconded the motion and the minutes were accepted as written.
3. **APPROVAL OF EXPENDITURES:** Treasurer Ralph Lubeck explained the significant expenditure items: a new generator, pagers for the fire department, and initial payment for the Watershed Sanitary Survey. Director Scaramella moved that the expenditures for January and February be approved. Director Poling seconded the motion and expenditures were approved as presented.
4. **PUBLIC INPUT:** The subject of Mr. Cohn's letter was brought up, which dealt with the reliability of electrical power to District equipment. It was suggested that this subject shall be an agenda item at the next meeting.

5. **REPORTS:**

A. **Treasurer -**

1. Director Ralph Lubeck briefly covered the Treasurer's report because he had gone into some depth when discussing expenditures above.

B. Water - Charles Acker, Operations Manager, reported on several items. A detail of his report is attached to the meeting minutes as an addendum. Below follows only some highlights.

1. Water consumption for January and February was very low with 97.25 and 76.27 GPD respectively per household. However, this was comparable to past years.
2. The treatment plant was running only 30% of the time due to high turbidity, with the system relying heavily on the well at Unit 9. It is providing an adequate supply.
3. The generator has been purchased and it is large enough to run the 3hp pump.
4. All regular reports have been done as required. The annual report is prepared and ready to be mailed to District customers.
5. A contract has been signed to change the pump at the well.

C. Safety: Charlie Acker, District safety coordinator, reported that the safety committee has been holding regular monthly meetings as well as the quarterly meeting. Then he provided a summary of safety issues with the only outstanding issue the blood pathogen training which is to be scheduled late February or March.

D. Fire Department - Fire Chief Rex Dunning reported

1. CPR training has been done.
2. The new pagers have been purchased and are working well. Some work still needs to be done at the transmitter tower in Point Arena to improve our reception.
3. Infectious disease training will be done in Point Arena or Elk. This is the blood pathogen training required by both OSHA and the insurance company, SDRMA.
4. The fire truck had sprung a leak in the water tank and was repaired by Paul DeVaul who patched it with epoxy.
5. The Fire District volunteers were called to put out a fire on the Hamilton property in Unit 9.

6. OLD BUSINESS

A. Status: Re: existing litigation MCP v. IBWD Mendo Co. Sup Ct. Case No. 71850. Alan Turner, the District's attorney, reported that the District filed an answer to the complaint and that the case is now in trial readiness. The Court will set a trial date, which will probably be held on stipulated facts. The process may be expedited and may not go on for any length of time. Alan stated that he had been directed by the Board of Directors to check with the insurance company to see if they will pay, and that we follow the challenge to the statute of limitations to the end.

B. Kiosks: Director Lubeck reported that he had spoken with David Dell who indicated he would have the kiosks completed by April 20.

C. Purchase of IBWD property to access lot or selling of said property (Aeschliman): The Board of Directors came to the conclusion that the property in question adjacent to the fire house may at some point be utilized by the District and that it is not considered as surplus. Director Scaramella moved that the property not be sold on the basis that it is not surplus. Director Beran seconded the motion and it passed unanimously.

D. Irish Beach Policy Binder: Director Beran has been working on a copy of a policy binder provided by the California Rural Water District with consideration of adapting it to Irish Beach Water District. He stated he would bring a copy to the next board meeting after he has had a chance to edit and modify it.

E. Long Term Water Development (Acker): 1.) Charlie Acker reported that Mr. Coats who is doing the Watershed Sanitary Survey, could be contracted separately to assess the Unit 9 well. Charlie stated that when the new pump is installed, some thorough tests can be run to collect data. He indicated he needed clarification from the Board of Directors for permission to have Coats do any assessment of Unit 9 in terms of flow and cone of influence. A mathematical formula is used to develop this cone of influence. Mr. Moores stated that there is no threat to the cone of influence from the Moores, and that the only potential threat might be from the MacDonald property.

2) A preliminary draft of the Watershed Sanitary Report was received just a couple of days prior to this meeting. Charlie expressed that he had to respond to some questions which are essentially requesting data collected by the District, and they in turn plug it into formulas.

3) The Unit #5 water system and supply is just part of the long term development and will be addressed as necessary.

4) Charlie had received a letter from Bartson in the Department of Health in Santa Rosa who provided him a copy of the February 10, 1989 water permit. The Unit 9 well was not considered in arriving at the figures specified in this permit. Now that we have plenty of data from our studies of usage plus well analysis, the Department of Health can update the water permit.

F. Unit #9 Fire Access Road (Acker): There still remains a concern about emergency vehicle access to the homes up on the ridge that must be accessed through the gates as well as concern regarding how people could evacuate in an emergency situation if the gates are closed. Fire Chief Rex Dunning reported that the fire captain of CDF in Point Arena said he would personally like to see the gate closed to keep people out, but that on the other hand it is nice to let people walk around too. The Moores prefer the gates remain closed because, as Gordon stated, there is a vandalism issue. The gates are designed as they are because in the past people have gone up there and used bolt cutters to cut through the other type of locks and steal wood. Another option is an electronic gate, but that would be expensive because there is no power. The decision was made for Ron Frame, Charlie Acker and Gordon and Bill Moores to work together about the gate issue.

G. Conflict of Interest Resolution 95-5 updating IBWD existing resolution to agree with legislative changes (Poling): Alan Turner reported that he had met with County Counsel and developed a resolution that satisfied both County Counsel and the Fair Political Practices Commission. County Counsel did not feel it was necessary for the District's attorney (Alan) to file a statement. Director Poling moved that Alan not be a designated employee for purposes of Conflict of Interest Codes. He is an independent contractor. Director Beran seconded the motion and it passed unanimously. Director Poling moved that the Board adopt the Conflict of Interest Resolution 96-1. Director Beran seconded the motion. Directors Poling, Beran, Frame, Lubeck and Scaramella all voted in favor of adopting the resolution.

H. Office Space: There remains a recognized need for office space. Director Scaramella suggested that someone look into the option of getting a portable building to store IBWD material in. Charlie said he would come up with some proposals.

I. Fuel Spill and contaminated soil: Charlie Acker had contacted Alan Turner inquiring whether the District should contact those involved with the spill relative to the District's ordinance about toxic spills. Mr. Turner said this situation is a multi-agency response and IBWD will be involved and offered an opportunity to participate. The ordinance will be considered as a part of the overall approach. Further action by the Board is not necessary. Bill Moores stated that Benbow claimed the diesel tank was vandalized because the gate was left open.

K. Consideration of acceptance of the water line constructed between the Martin intersection and the Martin house to serve the acreage parcels. Bill Moores said that David Martin built the Martin water line in 1991, and that it had been tested and accepted by the District's engineer, Mark Vogel, who stated the line was built to District specifications. Mr. Moores is requesting that the District accept the Martin construction and that the remaining acreage parcels could then be served by an individual connecting to the District's water lines. Mr. Moores further stated he has a signed agreement that the Board will provide service to the acreage parcels. Bill indicated that the District either has to accept the line, or another water company would have to be formed. Will Edelbrock pointed out that another District cannot be formed within an existing water district's boundaries. After much discussion, the Board decided to table the issue for the time being, and directed Charlie to look up any information he could find in past meetings about the Martin Line.

L. Illegal Hook-Ups: The Board of Directors requested Dorothy to contact Barbara Garibaldi to see if there is a requirement by the Architectural Committee that a meter be installed before work can commence on building a home.

7. NEW BUSINESS:

Following a short recess, the open meeting reconvened at 1:58pm.

A. Engineering Study: This item was not discussed because it belongs under "Long Term Development" and will be discussed at the next meeting under that topic.

B. District Computer: Director Beran provided some breakdown of computers available, various options and equipment, service agreements provided, etc. All recognized the need for the District to purchase a computer of its own. Director Lubeck suggested the computer expense be capped at \$3,000.00. Director Scaramella moved a computer be purchased contingent upon whether or not funds can be transferred from another category in this year's budget. Director Lubeck seconded the motion and it passed unanimously.

C. Rezoning of Unit 1 Lot 28 from open to 5 acre residential: Bill Moores expressed his concern that the County is interpreting a letter written by Rex Dunning in protest of the rezoning of the lot from open to residential as having come from the Irish Beach Water District, and is using it as one of 2 reason for not allowing the rezoning of the property. According to Bill, the site was originally a building site anyway, but was changed. Now he wishes to change it back. The Board of Directors concluded they had no basis for contesting the rezoning of the property and agreed to write a letter of clarification to the Board of Supervisors so stating. To be stated in the letter was that IBWD Ordinance 89-2 stipulates that adequate ingress and egress of fire response vehicles shall be provided for new construction in Irish Beach. Director Lubeck moved that Director Poling write this letter of clarification to the Board of Supervisors and that she further consult with Rex about the Board's decision. Director Beran seconded the motion and it passed unanimously.

D. Employee Salary Review: Alan Turner pointed out that the secretary's wage could not be enhanced without a review of the budget. Technically a line item is not supposed to be overridden. Director Scaramella suggested that an *ad hoc* budget committee meet and compare expenses to date versus what was budgeted to see if any money can be found.

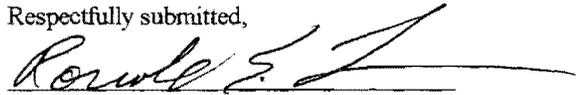
E. CDF and water requirements at structures in Irish Beach: Resolution 93-1 basically requires someone to install a meter and there is a question as to its validity. Alan Turner suggested that the District must first make sure the connection fee is fair and enforceable, and then adopt a policy that no new construction can begin unless a meter is installed. This item will be removed from the agenda until July 1996.

F. Irish Beach Investment Policy: The State of California legislated some rigorous requirements for public agencies pertaining to finances and investments. One requirement was that a resolution be adopted to ensure that the District is in compliance with all Statutes, and it had to be in effect by April 1, 1996. Alan Turner developed an Irish Beach Water District Investment Policy Resolution 96-2. Director Beran moved to accept the resolution as drafted by Alan. Director Poling seconded the motion. Directors Frame, Beran, Lubeck, Poling and Scaramella all voted in-favor of the resolution.

G. Complete clean-up of IBWD lot behind storage shed - aluminum bldg/wire: Director Lubeck pointed out that there still remains some debris that is very unsightly over at the District lot by the corporation yard. Director Beran moved that Ralph be authorized to hire someone to haul away the debris. Director Scaramella seconded the motion and it passed unanimously.

8. ADJOURNMENT: Director Scaramella moved the meeting be adjourned and Director Beran seconded the motion. All favored and the regular meeting of the Irish Beach Water District was adjourned at 2:30pm.

Respectfully submitted,



Ron Frame, President

Prepared by Dorothy Cong

Attest:



Rudy Beran, Secretary

Irish Beach Water District
MINUTES OF THE MEETING
OF THE BOARD OF DIRECTORS
SATURDAY, May 11, 1996

I. OPEN MEETING

1. CALL TO ORDER AND ROLL CALL: President Ron Frame called the meeting of the Board of Directors to order at 9:35am at the Fire House in Irish Beach (Manchester). Directors Frame, Beran, Lubeck, Scaramella and Poling were present. Also present was Alan Turner, the District's lawyer and Dorothy Cong, the District's Secretary. The meeting was adjourned to Executive Session at 9:40am. Several members of the community were in attendance when the open session reconvened.

I. Executive Session:

1. Conference with legal counsel re: existing litigation per Gov't Code Section 5456.9(a) MCP v. IBWD Mendo Co. Superior Ct. Case No. 71850. During the Executive Session Mr. Turner provided an update on the status of the litigation. The Board of Directors directed counsel to proceed as he has been; there was no action taken by the Board.

II. Open Session:

The open session of the Board of Directors was reconvened at 10:00am.

2. APPROVAL OF MINUTES: Director Lubeck moved to approve the minutes of the regular meeting held on March 9, 1996. Director Poling seconded the motion and the minutes were accepted as written.

3. APPROVAL OF EXPENDITURES: Treasurer Ralph Lubeck explained expenditure items. Director Poling moved that the expenditures for March and April be approved. Director Beran seconded the motion and expenditures were approved as presented.

4. PUBLIC INPUT: As a member of the public Director Beran mentioned that the ISO rating for our Fire Department was done and stressed that it may have a positive impact on home insurance rates.

5. REPORTS:

A. Treasurer -

1. Director Ralph Lubeck briefly covered the Treasurer's report because he had gone into some depth when discussing expenditures above.

B. Water - Charles Acker, Operations Manager, reported on several items. A detail of his report is attached to the meeting minutes as an addendum. Below follows only some highlights.

1. The greatest effort since the last meeting was expended gathering material for the rate calculation engineering study.

2. Work was done at the Unit 9 well. The meter was replaced with a rebuilt meter. Charlie said the old meter would be repaired and sold to the Point Arena lighthouse. Quite a bit of clean up was done around the well site; steel from the old pump was replaced with heavy gauge plastic pipe in the Unit 9 well.

3. The Watershed Sanitary Survey has been completed so we have met the DHS requirement.

4. Considerable general maintenance has been done around the plant. John has been mowing around the fire hydrants and brush is being cleared around the water tanks.

5. Charlie mentioned that Bill Moores had called him asking him to look at the road condition on the ridge and stated that the District is liable for part of the cost of repair.

C. Safety: Charlie Acker, District safety coordinator, reported that the safety committee has been holding regular monthly meetings as well as the quarterly meeting. He further stated that the main issue has been the fuel spill. Blood pathogen training was completed.

D. Fire Department - Fire Chief Rex Dunning reported

1. The Irish Beach Fire District responded to an emergency situation where a roofer had fallen off a roof and broke his leg. The EMTs arrived at the same time and the man was transported to a hospital by the paramedics.

2. Rex announced that fire permits have to be secured from CDF effective June 1. Rex should be notified as a courtesy when any burning is to be done within Irish Beach.

3. The Fire Department was given an ISO rating of "7".

6. OLD BUSINESS

A. Status: Re: existing litigation MCP v. IBWD Mendo Co. Sup Ct. Case No. 71850. Alan Turner, the District's attorney, reported that the litigation is set to go to trial in September. He anticipates it will not go to trial but will be resolved on motions related to legal issues and will probably be resolved prior to the next board meeting.

B. Kiosks: Director Lubeck reported that he had seen David Dell loading the kiosk material on his truck to take them back to the bay area to work on in his shop.

C. Irish Beach Policy Binder: Director Beran has been working on the policy binder and has made a lot of headway. He will probably have a draft copy ready for the next board meeting.

D. Long Term Water Development (Acker): Charlie Acker noted that the Sanitary Survey provides a lot of material about the existing system. The rate analysis is in the process of being collected and analyzed. The amount of water needed to serve Irish Beach residents will be part of the basis. With these various studies in process and/or completed the District is well on its way to being able to put together a comprehensive long-term strategy.

E. Unit #9 Fire Access Road/Gate Open or Closed (Acker): No further research has been done on the fire access road issue. The gates were actually installed after the documents for Unit 9 was in place. The status as of the meeting date is that both gates are open and the gate in Unit 9 has no lock on it. Fire Chief Rex Dunning had spoken with the CDF Captain in Point Arena who said he didn't care whether the gates were open or not. It was suggested that Ed Baxman in Howard Forest be contacted for advice and Charlie Acker volunteer to write to him. A further item of discussion pertained to fixing of the road in Unit 9. As previously stated, Bill Moores had notified Charlie that he would bill the water district for its share of expenses in repairing the road. Alan Turner stated that Mr. Moores should be informed that it is inappropriate that he simply run out and do something and then charge the district. Alan stated he would assist the District in writing a letter to Mr. Moores about this issue. The roadwork was necessary because CDF required some repair following the Benbow logging operation which left the road with several violations.

F. Office Space: Rex Dunning had picked up a brochure detailing various sizes prefab sheds. Charlie volunteered to look into several styles and their relative costs.

G. Fuel Spill and contaminated soil: Nothing has changed on the status of the fuel spill.

H. Consideration of acceptance of the water line constructed between the Martin intersection and the Martin house to serve the acreage parcels. Director Scaramella pointed out that at this point there is one house up on the acreage parcels and at this time there is no need for the District to accept the water system. He stated that the District consider the system when there is in fact a need to. Charlie pointed out that it is not usually encouraged to have both water and electricity in the same trench and they are in the case of the Martin line. This may pose a potential problem. Director Lubeck moved that the offer of dedication be rejected at this time. Director Beran seconded the motion and it passed unanimously.

I. Engineering Study (Rate Structure Analysis): Charlie Acker discussed the materials he had sent to engineers Brelje and Race. They had sent a comment as well, but need to visit the site in order to do a thorough analysis. The Board of Directors authorized Charlie to arrange the site estimate so the engineering study can commence with the idea in mind of establishing the basis for a rate structure and get a refined scope of services to include a general plan. Director Poling moved that Charlie Acker be authorized to arrange a site visit, that the District pay for it and that we refine the scope of services. Further that the *ad hoc* budget committee be authorized

to review and approve the proposal and be authorized to find the money to pay for it. Director Lubeck seconded the motion and it carried without further discussion.

J. District Computer: The Board decided that \$3,000.00 would be set aside in next years budget toward purchase of a computer and that this item be removed from the agenda.

K. Employee Salary: Director Poling suggested that the *ad hoc* budget committee consider an appropriate increase (suggested \$1000.00 per month total salary), make it retroactive to an appropriate time, and find the money in the budget for this year to grant it.

7. NEW BUSINESS:

A. Letter to CPUC regarding PG&E providing adequate power voltage to IBWD: The Board of Directors directed Office Manager Dorothy Cong to write a letter to the California Public Utilities Commission in response to Mr. Cohn's letter about PG&E. The gist of the letter is to acknowledge that one of our concerned rate payer's had sent us a letter regarding low voltage and the affect it may potentially have on district electrical equipment. The District did not suffer any damage as a result of an "brown out," but that the potential is there.

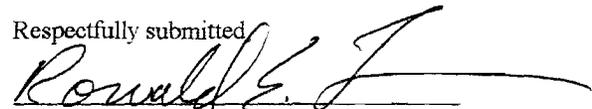
B. Road Maintenance Agreement (Unit 5): The District had received a copy of a "Road Maintenance Agreement" for Unit 5 that Mr. Moores had drawn up and found it quite ambiguous and confusing in several respects. The Board of Directors decided not to accept the agreement in its present form. The District lawyer, Alan Turner, said he would talk with Zodder about the agreement and write a letter to County Counsel once he has had the chance to analyze the agreement.

C. Paving of driveway in front of firehouse: Fire Chief Rex Dunning expressed the wish to pave the roadway up to the firehouse entrance at the same time IBIC has work done on the beach road. The cost was estimated at \$2,500.00. The Treasurer and Board of Directors determined that there were sufficient funds available for the Fire District to take advantage of this opportunity. Director Lubeck moved that \$2,500.00 from the Fund 211 allocation be used for the purpose of paving the roadway. Director Beran seconded the motion. It passed unanimously.

D. Preliminary Budget Considerations: Director Scaramella expressed that it was now time to begin preparing the budget for the 1996-97 fiscal year. The Board decided to create an ad hoc committee comprised of Charlie, Rex, Gene, Ralph and Dorothy whose function would be to prepare a preliminary budget for the upcoming year. This preliminary draft will be ready for the next board meeting in July. President Ron Frame appointed the ad hoc committee directing them as stated above.

8. ADJOURNMENT: Director Lubeck moved the meeting be adjourned and Director Beran seconded the motion. All favored and the regular meeting of the Irish Beach Water District was adjourned at 1:03pm. *(This surely must be a record!!!!!!)*

Respectfully submitted



Ron Frame, President

Prepared by Dorothy Cong

Attest:



Rudy Beran, Secretary

**Irish Beach Water District
MINUTES OF THE MEETING
OF THE BOARD OF DIRECTORS
SATURDAY, July 13, 1996**

I. OPEN MEETING

1. **CALL TO ORDER AND ROLL CALL:** President Ron Frame called the meeting of the Board of Directors to order at 10:00am at the Fire House in Irish Beach (Manchester). Directors Frame, Lubeck, and Scaramella were present. Also present was Alan Turner, the District's lawyer and Dorothy Cong, the District's Secretary. Several members of the community were in attendance.
2. **APPROVAL OF MINUTES:** Director Lubeck moved to approve the minutes of the regular meeting held on May 9, 1996. Director Scaramella seconded the motion and the minutes were approved as written.
3. **APPROVAL OF EXPENDITURES:** Treasurer Ralph Lubeck explained expenditure items. Director Scaramella moved that the expenditures for May and June be approved. Director Lubeck seconded the motion and expenditures were approved as presented.
4. **COMMUNICATION AND CORRESPONDENCE:**
 1. G. Moores re: Update information in DRE report. Status: Not done yet. Ron will issue.
 2. Letter from B. Moores re: Martin Line and Turner memorandum re: same. Status: sent.
 3. LAFCO Memorandum re: Proposed Rules and Regulations. Status: not written. Rex and Ron to do based on Brooktrails format.
 4. Brelje & Race Proposal. Status: Accepted, signed.
5. **PUBLIC INPUT:** There was some brief discussion regarding the recent gravel work being done on roads. Additionally there was discussion about the use of District property behind the corporation yard to collect junk. Everyone felt this was all right as long as there is a stated timeframe.
6. **REPORTS:**

A. Treasurer -

1. Director Ralph Lubeck covered the balances of the various funds. He further mentioned three items to take place before the end of this fiscal year which will have budget impact but expressed that the monies are available from previously non-allocated funds. The items were as follows: -1) Increase D. Cong's salary to \$1000.00 per month retroactive to October 1, 1995. 2.) Purchase additional office space, i.e. a pre-fab building costing between \$3,000.00 - \$3,500.00 including electrical and dry wall work, etc., and 3.) Purchase a District computer and peripherals costing up to \$3,000.00.

B. Water - Charles Acker, Operations Manager, was not present at the meeting due to a conflict. However, he provided a written report highlighting activities that occurred since the last meeting. A detail of his report is attached to the meeting minutes as an addendum in the Director's packet.

C. Safety: Charlie Acker, District safety coordinator, again was not present, but it was reported that we have been regularly having the safety meetings and are current.

D. Fire Department - Fire Chief Rex Dunning reported

1. The Fire District inspected properties for violations of the fire ordinance. Twenty one notices were sent out in early June and 20 more were sent out following the second inspection in early July.
2. A fire started in the driftwood on Irish Beach. Irish Beach Fire District as well as C.D.F and Garcia responded.

6. OLD BUSINESS

A. Status: Re: existing litigation MCP v. IBWD Mendo Co. Sup Ct. Case No. 71850. Alan Turner, the District's attorney, reported that the litigation is set to go to trial in September. The insurance company has

approved Turner to proceed. Alan will be meeting with Tom Johnson to see if the issue can be resolved and keep from going to trial.

B. Kiosks: Director Lubeck read a letter from David Dell about the kiosks. The material is here in the firehouse. Now all that needs to be done is to get a crew together to assemble them drawn from the three organizations. Ralph will talk to Barbara and Loretta.

C. Irish Beach Policy Binder: There was nothing to report since Director Beran was not at the meeting.

D. Long Term Water Development (Acker): Mr. Yokoi from Brelje and Race was in attendance to answer questions relative to his proposal for looking at the long term water development in Irish Beach. The proposal covered items such as the following: evaluating the existing system, updating a plan for the future (Mallo Pass Plan as it is written may not comply), distributing costs for existing and new users, identifying types of improvements desirable or necessary for building,... A copy of the proposal is in the District Office. The District will get the report plus all the backup data. The District has already paid Brelje & Race \$1,200.00. Once the contract is accepted to do the above mentioned work it will cost an additional \$9,800.00. The proposal was not comprehensive enough. Alan Turner expressed that what the District needs is a "Master Plan" - a road map of where it is going. Mr. Yokoi responded that this would cost probably \$4,000.00 - \$5,000.00 additional. The question was asked whether Mallo Pass Funds might not be able to pay for part of this study/report since it is essentially part of the implementation of the Mallo Pass Project. Alan Turner brought up that he needs the connection fee matter resolved as soon as possible. The engineers need to determine what has been built and what needs to be built, etc. to determine the cost of service. Director Scaramella moved that Brelje & Race proceed in the preparation of a report as submitted under the existing proposal and within 10 days provide the District with an amended proposal which will include a masterplan. Director Lubeck seconded the motion and it passed.

Director Scaramella moved that Ron Frame, President of the Board of Directors, sign the contract for the current proposal so work can begin promptly. Director Lubeck seconded the motion and it carried.

E. Unit #9 Fire Access Road/Gate Open or Closed (Acker): No action has been done on this subject.

F. Office Space: Director Scaramella moved to authorize Charlie Acker to proceed with the purchase of the prefab building 8' X 14' and have it installed between the firehouse and the treatment plant. Director Lubeck seconded the motion and it carried.

G. Fuel Spill and contaminated soil: The road has been graded and the tank removed. No action has been taken yet relative to the contaminated soil or the illegal dump.

H. Engineering Study: This was covered in item "D" above.

I. Road Maintenance Agreement: The following has ensued relative to the road maintenance agreement.

- 1.) Alan Turner wrote a letter to the county (enclosed in Directors packet)
- 2.) A revised draft of the agreement was received from Bill Moores (Directors packet).

Alan stated he did not take any action because he had not received any direction from the Board.

President Ron Frame suggested that Alan review the draft and report it to the county to see if it was in the interest of the District or not. The only area of disagreement is the maintenance of the road and a definition of who are "users."

J. Preliminary Budget Review: A preliminary budget was presented to the Board. This budget was prepared in such a fashion that Fire and Water are separated so it is very easy to analyze the income and expenses of each. Some slight modifications will need to be done prior to the next Board meeting.

K. Employee Salary: Director Scaramella moved that an adjustment be made to Dorothy Cong's salary retroactive to October 1. Director Lubeck seconded the motion and it carried.

7. NEW BUSINESS:

A. Future Water Service to Acreage Parcels: Mr. Bill Moores was present at the meeting to address the issue of water service to the acreage parcels. One alternative is that the District could limit its ownership to the existing

line and future customers can connect to it installing a meter at the "T". Alan Turner brought up the issue of standards of construction to connect to the water line indicating that any line connecting to the District line should be built to District standards. Mr. Moores expressed that if all of the connecting lines are to be built to District standards then the District would have to take them. Alternatives at present are: 1) accept the Martin line, 2) make the connecting lines for only 4 customers private. They property owner would then connect to the District line with a single meter installed. Question: How would each customer get charged for their usage? Would each house also have a meter? Or would there be a single meter and one bill be rendered and divvied up? 3) The District could build a new line to its standards.

Board members indicated they would like to see a timetable associated with this potential water service. No decisions were made. The following things are to be done prior to the next Board meeting. 1) Mr. Moores is to forward maps to the District Board members. 2) Alan will review the agreement accepting the Martin line. 3) Charlie, Gene and Bill are to go on a "field trip" to assess the project.

The meeting was recessed at 12:35pm and reconvened to Executive Session at 12:40pm.

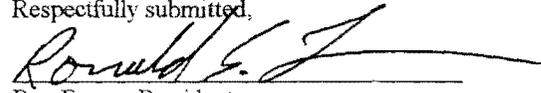
I. Executive Session:

1. Conference with legal counsel re: existing litigation per Gov't Code Section 5456.9(a) MCP v. IBWD Mendo Co. Superior Ct. Case No. 71850. During the Executive Session Mr. Turner provided an update on the status of the litigation. He provided an update to the Board regarding the position of the insurance company about settling the litigation.

2. Employees: Being considered was the expense of employees to the District. Board members suggested developing a time sheet to better understand the hours that are put in and where time is spent. At 1:14 the executive session was adjourned to open session.

8. ADJOURNMENT: Director Lubeck moved the meeting be adjourned and Director Scaramella seconded the motion. All favored and the regular meeting of the Irish Beach Water District was adjourned at 1:15pm.

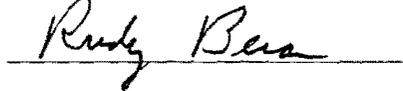
Respectfully submitted,



Ron Frame, President

Prepared by Dorothy Cong

Attest:



Rudy Beran, Secretary

Irish Beach Water District
MINUTES OF THE MEETING
OF THE BOARD OF DIRECTORS
SATURDAY, September 14, 1996



I. OPEN MEETING

1. **CALL TO ORDER AND ROLL CALL:** President Ron Frame called the meeting of the Board of Directors to order at 9:30am at the Fire House in Irish Beach (Manchester). Directors Beran, Frame, Lubeck, Poling, and Scaramella were present. Also present was Alan Turner, the District's lawyer and Dorothy Cong, the District's Secretary. The meeting was adjourned to Executive Session at 9:41 am.

EXECUTIVE SESSION:

A. **MCP v. IBWD Mendo Co. Superior Court Case No. 71850.** The District's attorney, Alan Turner, provided an update on the status of the above mentioned litigation. The trial is temporarily on hold while the parties make an effort to develop a rate structure and settle the litigation outside of court.

At 10:05 am the Executive Session was adjourned. A short recess was taken and the meeting reconvened to Open Session at 10:12 am. Several members of the public were in attendance: Roger Aeschlimann, Marv Satuloff and Al Thompson.

2. **APPROVAL OF MINUTES:** Director Poling moved to approve the minutes of the regular meeting held on July 13, 1996. Director Beran seconded the motion and the minutes were approved as written.

3. **APPROVAL OF EXPENDITURES:** Treasurer Ralph Lubeck explained expenditure items. Director Lubeck moved that the expenditures for July and August be approved. Director Poling seconded the motion and expenditures were approved as presented.

4. COMMUNICATION AND CORRESPONDENCE:

1. G. Moores re: Update information in DRE report. Status: Not done yet. Ron will issue.
3. LAFCO Memorandum re: Proposed Rules and Regulations. Status: not written. The Board decided not to issue any response.

5. **PUBLIC INPUT:** It was suggested from the audience that empty lots be required to be mowed since long dry grass is a potential fire hazard as experienced by the Fire District when dousing the recent fire at the Cohn house in Unit 1. The current Fire Ordinance only requires that grass be mowed within 30 feet of a structure. Mowing of lots will be an agenda item at the next meeting.

6. REPORTS:

A. Treasurer -

1. Director Ralph Lubeck covered the balances of the various funds. He stated that one of the CDs came due. It was now worth \$35,000.00 and was rolled over at the rate of 6%.

B. Water - Charles Acker, Operations Manager, provided both a written and oral status of significant events/items in the Operations department over the past two months. A pin hole leak was detected in the holding tank in Unit 9 and was repaired. The painting project is underway. The shed that will serve as an office for the District has been delivered. It needs to have electrical installed and sheet rock, insulation, and flooring put in. The County road crews are working in Irish Beach clearing out ditches and culverts. They have met with Charlie and Johnny to determine where water pipes are. A leak has occurred in Unit 5 as a result of heavy machinery working over there.

C. Safety: Charlie Acker, District safety coordinator, reported that we have been regularly having the safety meetings and are current. Items being discussed in the safety meetings are the fuel spill, meter lids, painting. Sections of the Safety Binder are always read. Minutes are prepared and forwarded to Mr. Lott of SDRMA.

D. Fire Department - Fire Chief Rex Dunning reported

1. There was a major structure fire on July 31. The fire was discovered by a passerby on Highway 1 who phoned "911". Irish Beach Water District, the Redwood Coast Department and CDF all responded to the emergency. The home became fully engulfed so the primary effort was to contain the blaze and keep it from spreading to adjacent lots. Once the flames were under control (around 5:00am) the fire departments left with two Irish Beach volunteers remaining at the scene to control any flare-ups. Unfortunately the home was completely lost. Seven out of the nine volunteers on the Irish Beach Fire Department responded. Rex said there was trouble getting calls on the pagers. Charlie Acker expressed that a new repeater would be coming soon that will solve these communication problems both in Irish Beach and Elk. 2) Rex also reported that the Fire Department responded to a call out toward Mallo Pass, but was not able to locate a fire - false alarm. And lastly, 3) Rex announced the paving has been completed in front of the Firehouse.

President Ron Frame recessed the meeting at 11:15am for 10 minutes and it was reconvened at 11:25am.

6. OLD BUSINESS

A. Status: Re: existing litigation MCP v. IBWD Mendo Co. Sup Ct. Case No. 71850. Alan Turner, the District's attorney, reported that the trial which was to begin on September 3, is temporarily on hold while both parties make an effort to develop a rate structure and settle the matter without a trial. The question was asked as to whether or not Bill Moores was a legal representative for MCP. It was suggested that the District request a resolution from the Board of Directors of MCP authorizing Bill to represent and sign for them.

B. Kiosks: Director Lubeck reiterated what he had stated in the July meeting. All the materials are in the firehouse for the kiosks. They only need to be erected. A crew will need to get together to assemble them. At the July meeting it was suggested this crew be drawn from the three organizations, and Ralph was to talk to Barbara and Loretta.

C. Irish Beach Policy Binder: Director Beran brought a copy of the policy binder. He has been cleaning it up some, but it still needs further modifications. Dorothy was requested to make a copy of the document for each member of the Board.

D. Long Term Water Development (Acker): A copy of Tom Yokoi's status letter to Charlie was part of the Director's package. Gene Scaramella and Charlie Acker are to get together to review all items provided Mr. Yokoi, specifically relative to costs incurred by the District. Of note was that there was to be a meeting between the District engineer, Mr. Yokoi and Mr. Moores. The Board directed Director Scaramella and Charlie Acker to attend the Yokoi/Moores meeting.

E. Unit #9 Fire Access Road/Gate Open or Closed (Acker): There has been no change in the status of this item. It was suggested that the subdivision agreements be checked, the DRE's be reviewed and a title search be done to determine if the gate is to be open or closed. Director Lubeck suggested that a formal request be sent to the State Fire Marshall for a ruling.

F. Fuel Spill and contaminated soil: Charlie related he had been speaking with Paul Hagen, the District Attorney of Mendocino County, who expressed that Benbow had been arraigned in court. The outcome was not definitive at that point and the next step in the case is to occur on October 23. Charlie said he has also called to the Regional Quality Control Board, but has not yet received a response back from them. There is a trial set for sometime in November and Benhke, Benbow's lawyer, promised that all cleanup requirements are going forward. The Board directed Charlie to write a formal letter to the Regional Quality Control Board and cc it to Paul Hagen. The letter is to be sent "certified, receipt required".

G. Road Maintenance Agreement: The following has ensued relative to the road maintenance agreement since the last meeting. Bill Moores wrote a letter to Dorothy Cong which Ron Frame read at the meeting. It was stressed that Alan was not negotiating for the District. Concern was expressed by the Directors about damage in Unit 5 to the lines and meter boxes as a result of work with heavy equipment that was being done. Definitely at least one leak was caused. Charlie Acker was directed to send a letter to Bill Moores expressing concerns by the

District caused by the recent road work in Unit 5. Alan Turner was requested to forward to Bill a copy of his letter to Alan Falleri about the Road Maintenance Agreement.

H. Budget Review: The budget for Fiscal 1996-97 was presented to the Board by Treasurer Lubeck briefing the Directors on both the Fire and Water budgets. Some cuts were made to the water district budget in order to balance it. It was pointed out that the Fire District now had a dedicated reserve expressly for capital expenditure, and it was stressed that the Fire District needs to 1) develop a plan about what the funds are being set aside for and 2) how long it will take to acquire the item. Of concern to the Directors is that each year there is capital depreciation and nothing is being set aside to compensate for this. Further analysis will need to be done to deal with this matter. Director Scaramella moved to accept the budget as amended during the meeting. Director Poling seconded the motion and it was passed.

I. Future water service to acreage parcels: Director Poling moved to table this item at the present time.

7. NEW BUSINESS:

A. Review Final Audit: The Board of Directors expressed that the final audit will be discussed at the next meeting. Dorothy Cong is to prepare a written response to those items relating to her responsibilities.

8. ADJOURNMENT: Director Poling moved the meeting be adjourned and Director Lubeck seconded the motion. All favored and the regular meeting of the Irish Beach Water District was adjourned at 1:45pm.

Respectfully submitted,

Ron Frame, President

Prepared by Dorothy Cong

Attest:

Rudy Beran, Secretary